

**MINUTES**  
**REGULAR MEETING OF THE KENTUCKY BOARD OF CHIROPRACTIC**  
**Friday, July 14, 2017**  
**209 South Green Street**  
**Glasgow, KY**

**PRESENT:** Mark Woodward, D.C., President  
Terri Byers-Abston, D.C., Secretary  
Michael Seibert, D.C., Member  
Jeffery T. Smith, D.C., Member  
Karalee P. Oldenkamp, D.C., Executive Director  
M. Keith Poynter, Board General Counsel

**ABSENT:** Frank Hideg, D.C., Vice-President

A quorum being present and after confirmation of proper notification of the Board meeting, the meeting was called to order by the President at 9:00 a.m. prevailing time.

**ITEM I: MINUTES**

A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 4-0 to approve the minutes of the May 12, 2017 board meeting.

**ITEM II: FINANCIAL REPORTS**

A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 4-0 to approve the financial reports for May and June 2017.

**ITEM III: BOARD OFFICE REPORT**

The Board reviewed the Board Office Report and a motion was made by Dr. Woodward, seconded by Dr. Abston and passed 4-0 to approve travel and expenses to send Board Counsel to FARB Attorney Certification in October 2017. A second motion was made by Dr. Abston, seconded by Dr. Seibert and passed 4-0 to approve travel and expenses to send Dr. Woodward to FCLB District II meeting in October 2017.

**ITEM IV: MOTION TO AMEND AGENDA**

A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 4-0 to amend the agenda to allow Maxwell Eriksen, D.C., to present information concerning his initial application for licensure. Dr. Eriksen presented information concerning his additional documents required by a "Yes" answer on his application.

**ITEM V: MOTION FOR CLOSED SESSION**

A motion was made by Dr. Seibert, seconded by Dr. Smith and passed 4-0 to go into closed session to discuss the initial application of Dr. Maxwell Eriksen pursuant to KRS 61.810 (1)(j).

**ITEM VI: MOTION FOR OPEN SESSION**

A motion was made by Dr. Seibert, seconded by Dr. Smith and passed 4-0 to go into open session. A second motion was made by Dr. Abston, seconded by Dr. Smith and passed 4-0 to approve Dr. Maxwell Eriksen for licensure in Kentucky.

ITEM VII: MOTION TO RESUME AGENDA

A motion was made by Dr. Seibert, seconded by Dr. Smith and passed 4-0 to resume the agenda.

ITEM VIII: ADMINISTRATIVE CASE 14-011

The Board reviewed the licensee's response to the offered agreed order and a motion was made by Dr. Woodward, seconded by Dr. Seibert and passed 4-0 to have Board Counsel file an administrative complaint and move forward to a hearing.

ITEM IX: ADMINISTRATIVE CASE 14-027

This case is continued.

ITEM X: ADMINISTRATIVE CASE 15-005

An agreed order has been offered and the licensee's counsel has asked for an extension for consideration. This case is continued, however if the agreed order is accepted, this case shall be closed.

ITEM XI: ADMINISTRATIVE CASE 15-037

During the course of composing the administrative complaint, the board office received an additional complaint on this issue. Board Counsel followed up with the complainant and a report was provided to the board for consideration. A motion was made by Dr. Seibert, seconded by Dr. Smith and passed 4-0 to initiate a new case number for the new information and have the licensee respond. Also, the Board instructed Board Counsel to move forward with filing the administrative complaint for this case.

ITEM XII: ADMINISTRATIVE CASE 16-005

This case is continued.

ITEM XIII: ADMINISTRATIVE CASE 16-018

Upon review of the licensee's response to the proposed agreed order, a motion was made by Dr. Seibert, seconded by Dr. Abston and passed 4-0 to have Board Counsel speak with the witness in this case and prepare the administrative complaint to move to a hearing.

ITEM XIV: ADMINISTRATIVE CASE 17-007

Board Counsel gave an update regarding to conversations with the licensee's counsel about settlement negotiations. A motion was made by Dr. Seibert, seconded by Dr. Smith and passed 4-0 to accept the negotiated terms, which includes combining this case with administrative case 17-008, and close this case.

ITEM XV: ADMINISTRATIVE CASE 17-008

This administrative complaint is being combined with 17-007 for settlement.

ITEM XVI: AGREED ORDER VIOLATION

RE: L. ANTHONY SEARS, D.C.

The Board reviewed the terms of Dr. Sear's Agreed Order of January 2017. Dr. Sears did not meet the terms of the Agreed Order; therefore, a motion was made by Dr. Seibert, seconded by Dr. Abston and passed 4-0 to have Board Counsel send a letter enforcing term number 10, which is a suspension of one year.

**ITEM XVII: ACA RADIOLOGY SURVEY**

The Executive Director relayed requested additional information concerning this survey to the Board and after discussing the questions asked, a motion was made by Dr. Seibert, seconded by Dr. Abston and passed 4-0 to return the questionnaire as answered.

**ITEM XVIII: REGULATION AMENDMENTS**

The Board reviewed the drafted amendments of 201 KAR 21:015 and 21:045. A motion was made by Dr. Seibert, seconded by Dr. Woodward and passed 4-0 to wait on filing these amendments and send two version of 201 KAR 21:045 to the State chiropractic associations for comments which will be reviewed and considered at the next board meeting.

**ITEM XIX: ADMINISTRATIVE CASE 17-017**

The Board reviewed additional information concerning the licensee's criminal charges. A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 4-0 to request the attendance of the licensee at the following meeting for questions.

**ITEM XX: ADMINISTRATIVE CASE 17-018**

Upon review of the complaint and the licensee's response, a motion was made by Dr. Seibert, seconded by Dr. Smith and passed 4-0 to offer the licensee an agreed order for settlement of this case. If accepted, this will close the case.

**ITEM XXI: ADMINISTRATIVE CASE 17-019**

Upon review of the complaint and the licensee's response, a motion was made by Dr. Abston, seconded by Dr. Woodward and passed 4-0 to dismiss this case.

**ITEM XXII: ADMINISTRATIVE CASE 17-020**

Upon review of the complaint and the licensee's response, a motion was made by Dr. Woodward, seconded by Dr. Abston and passed 4-0 to dismiss this case.

**ITEM XXIII: ADMINISTRATIVE CASE 17-022**

Upon review of the complaint and the licensee's response, a motion was made by Dr. Smith, seconded by Dr. Seibert and passed 4-0 to offer the licensee an agreed order for second violation of the advertising regulations for settlement of this case. If accepted, this will close the case.

**ITEM XXIV: CONSIDER CORRESPONDENCE FROM GRANGE INSURANCE**

The Board reviewed a letter from Grange Insurance regarding suspected violations. A motion was made by Dr. Abston, seconded by Dr. Woodward and passed 4-0 to have Grange Insurance send in more specific documentation that they would allow for use in moving forward with the case.

**ITEM XXV: CONSIDER CORRESPONDENCE RE: IONTOPHORESIS**

The Board reviewed correspondence from an attorney asking if iontophoresis was in the Kentucky chiropractic scope of practice. A motion was made by Dr. Abston, seconded by Dr. Smith and passed 4-0 to have board staff to gather information from all of the chiropractic colleges to determine if iontophoresis is taught in the curriculum or in elective courses, and if it is determined to be within the scope of chiropractic practice by their college. This information will be reviewed at the next meeting.

ITEM XXVI: ADVERTISEMENT FOR REVIEW

The Board reviewed potential advertisements at the request of Align Care Chiropractic, Dr. Nick Starnes, and a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 4-0 to inform Dr. Starnes that this advertisement, as presented, would include violations of the advertising regulations.

ITEM XXVII: REVIEW INITIAL LICENSE APPLICATION  
RE: LUKE PAKOSTA, D.C.

The Board reviewed the renewal application and supporting documents from Dr. Pakosta. A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 4-0 to allow Dr. Pakosta to continue with license application since he did eventually pass all parts of National Boards as required for licensure.

ITEM XXVIII: CONSIDER INFORMATION RECEIVED AT BOARD OFFICE  
RE: MILL POND CHIROPRACTIC

The Board considered information received by the board office concerning stem cell injections being performed at Mill Pond Chiropractic. A motion was made by Dr. Seibert, seconded by Dr. Smith and passed 4-0 to initiate a complaint, have Board Counsel obtain a copy of the patient records in question and request the attendance of all chiropractors involved in that facility at the next board meeting for questions.

ITEM XXIX: SET FUTURE MEETING DATES

The Board set meetings for September 29, 2017, to begin at 12:30 pm CST, and January 26, 2018, to begin at regular time. The Board also set a Jurisprudence course for January 12, 2018, to be held in Glasgow, KY at the US Bank Board room, 200 South Green Street, from 9:00-11:00 am CT.

ITEM XXX: TRAVEL AND PER DIEM

A motion was made by Dr. Woodward, seconded by Dr. Seibert and passed 4-0 to approve the travel expenses and per diems relating to today's meeting.

ITEM XXXI: ADJOURNMENT

There being no further business to come before the Board, upon motion made by Dr. Abston, seconded by Dr. Seibert and passed 4-0, the meeting was adjourned.

Respectfully submitted:

ATTESTED:

Karalee P. Oldenkamp, D.C.  
Executive Director

Mark Woodward, D.C.  
President